

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

In Re:

LLS AMERICA, LLC,

Debtor,

BRUCE P. KRIEGMAN, solely in his  
capacity as court-appointed Chapter 11  
Trustee for LLS America, LLC,

Plaintiff,

v.

558778 BC, LTD., et al.,

Defendants.

NO: CV-11-364-RMP

Bankr. Case No. 09-06194-PCW11  
(Consolidated Case)

Adv. Proc. No. 11-80295-PCW11

DEFAULT JUDGMENT AGAINST  
DEFENDANT MARIANNE  
BENNETT

JUDGMENT SUMMARY

Judgment Creditor: Bruce P. Kriegman

Attorneys for Judgment Creditor: Witherspoon Kelley

Judgment Debtor: Marianne Bennett

1 Attorney for Debtor: None  
2 Amount of Judgment: \$21,900.00 CAD  
3 \$ 250.00 USD  
4 Interest Rate: 0.11% per annum

5 The Bankruptcy Court having previously entered an Order of Default against  
6 Defendant Marianne Bennett (BKC ECF No. 637) and this Court having adopted  
7 the Bankruptcy Court's Report and Recommendation at DC ECF No. 189,

8 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that  
9 Plaintiff, Bruce P. Kriegman, solely in his capacity as court-appointed Chapter 11  
10 Trustee for LLS America, LLC, shall have a judgment against Defendant Marianne  
11 Bennett, as follows:

12 1. Monetary Judgment in the amount of CAD \$21,900.00, CAD, pursuant to  
13 11 U.S.C. § 550 and RCW 19.40.071;

14 2. Transfers in the amount of CAD \$19,900.00 CAD made to Defendant  
15 within four years prior to the Petition Filing Date are hereby avoided, and Plaintiff  
16 may take all necessary action to preserve the same pursuant to 11 U.S.C. §§ 544,  
17 550, 551, and 548(a) and (b) and RCW 19.40.041(1) and (2) and RCW 19.40.071;

18 3. Transfers in the amount of \$2,000.00 CAD made to Defendant more than  
19 four years prior to the Petition Filing Date are hereby avoided, and Plaintiff may  
20 take all necessary action to preserve the same, pursuant to 11 U.S.C. §§ 544, 550,  
and 551, and RCW 19.40.041(1) and 19.40.071;

1 4. All said transfers to Defendant Marianne Bennett are hereby set aside,  
2 and Plaintiff shall be entitled to recover the same, or the value thereof, from  
3 Defendant Marianne Bennett for the benefit of the estate of LLS America, pursuant  
4 to 11 U.S.C. §§ 544, 550, and 551;

5 5. Defendant Marianne Bennett did not file a proof of claim in Debtor's  
6 bankruptcy proceedings.

7 6. A constructive trust is hereby established over the proceeds of all  
8 transfers in favor of the Trustee for the benefit of the estate of LLS America; and

9 7. Plaintiff is hereby awarded costs (i.e. filing fee) in the amount of \$250.00  
10 USD, for a total judgment of CAD \$21,900.00 CAD, plus \$250.00 USD, which  
11 shall bear interest equal to the weekly average of one-year constant maturity  
12 (nominal) treasury yield as published by the Federal Reserve System.

13 **IT IS SO ORDERED.**

14 The District Court Clerk is directed to enter this Judgment and provide  
15 copies to counsel, Defendant, and to Judge Frederick P. Corbit, and shall  
16 **terminate Marianne Bennett as a defendant in this case.**

17 **DATED** this 15th day of November 2013.

18  
19 s/ Rosanna Malouf Peterson  
ROSANNA MALOUF PETERSON  
Chief United States District Court Judge  
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